

**UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
EX95001-US-A

Total Pages in this Submission

TO THE COMMISSIONER FOR PATENTSMail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

MEDICINAL COMBINATION USEFUL FOR IN VIVO EXOGENIC TRANSFECTION AND EXPRESSION

and invented by:

Michel PERRICAUDET, Lucienne CHATENOUD, Hedi HADDADA, Jean-Francois BACH, and Michelle WEBBIf a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: 08/894,246

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 50 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☐ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings *(if filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal Number of Sheets _____
- b. ☒ Informal Number of Sheets 4
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers *(cover sheet & document(s))*
10. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☒ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☐ Certificate of Mailing
- ☐ First Class ☐ Express Mail *(Specify Label No.):* Applicant Authority Type::

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Accompanying Application Parts (Continued)

17. ☒ Additional Enclosures *(please identify below)*:

Copy of Decision on Petition Under 37 CFR 1.47(a) mailed Nov. 2, 1998 (2 pp.); Copy of Fee Transmittal for Petition and Declaration of the Inventors Under 37 CFR §§ 147(a) and 1.63 with 9 sheets of executed Declaration and Power of Attorney; Information Disclosure Statement filed Sept. 9, 1997 (2 pp.) w/International Search Report (4 pp.), PTO-1449(2 pp.); Supplemental Information Disclosure Statement filed 12/9/1999 (2 pp.) w/PTO-1449 (1 p.); PTO Date stamped PTO-1449 (2 pp.); PTO-892 (2 pp.)

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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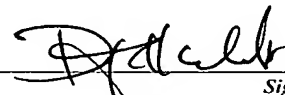
Total Pages in this Submission

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	44	- 20 =	24	x \$18.00	\$432.00
Indep. Claims	3	- 3 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$770.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$1,202.00

- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 50-1129.
as described below. Application Filing Fee if \$1202.00 paid by credit card (attached):
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance,
pursuant to 37 C.F.R. 1.311(b).



Signature

David J. Kulik, Registration No. 36,576
WILEY, REIN & FIELDING, LLP
1776 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 719-7000
Fax: (202) 719-7049

Dated: April 14, 2004

cc:



Wiley Rein & Fielding LLP

1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

Virginia Office
7925 JONES BRANCH DRIVE
SUITE 6200
MCLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wrf.com

April 14, 2004

David J. Kulik
202.719.7313
dkulik@wrf.com

BY HAND DELIVERY

MAIL STOP Patent Application

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22314-1450

Re: New U.S. Continuation Patent Application
Inventors: Michel Perricaudet *et al.*
Title: Medicinal Combination Useful for In Vivo Exogenic
Transfection
Prior Appl. Serial No.: 08/894,246; Filed May 22, 1998
Attorney Docket: EX95001-US-A

Dear Sir:

Applicants submit a new Continuation Application based upon prior pending application Serial No. 08/894,246. If any fees or petitions are required in prior application 08/895,246 in order to keep the case pending, including extension of time fees, applicants hereby request such extensions or petitions. The undersigned authorizes the Commissioner to deduct at any required fees from Deposit Account No. 50-1129.

Applicants hereby claim priority to prior application 08/894,246, and international application PCT/FR96/00218 from which the prior application was filed as a § 371 national phase application, which claims priority to French application 95/01662. The entire contents of prior application 08/894,246 and PCT application PCT/FR96/00218 are hereby specifically incorporated into this application.

Please insert the following after the Title in this application:

--This application is a continuation of US 08/894,296, which is the national stage application under § 371 of application PCT/FR96/00218, each of which are specifically incorporated by reference into this application.--

The following documents are attached:

- 1) Utility Patent Application Transmittal form (4 pages)
- 2) Payment Form to cover application and extra claims fees;

Wiley Rein & Fielding LLP

April 14, 2004

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- 3) Copy of prior application, including pages 1-50 specification and abstract; 4 pages of drawings of Figures 1-4;
- 4) Copy of Executed Declaration from prior application (including copy of Decision on Petition granting petition to accept application without signature by co-inventor Martin Lee);
- 5) Application Data Sheet (3 pages);
- 6) Copy of IDS, Supplemental IDS, and PTO-892 from prior application; and
- 7) Stamped Return Receipt postcard.

If any fees are required to process this Request or the Extension of Time filed in parent application on even date and are not accounted for, or if any other fees are required to enter and consider this paper and the accompanying papers, the undersigned hereby authorizes the Commissioner to charge Deposit Account No. 50-1129.

Respectfully submitted,



David J. Kulik

Reg. No. 36,576

WRFMAIN 12193999.1